

# Exhibit 38:

## K.M. Declaration

**DECLARATION OF K.M.**

1. I am a current registrant of the Michigan Sex Offender Registry. I am 35 years old, and I was convicted of CSC-3 in 2002 when I was 15 years old. I was initially incarcerated from 2002-2004, but due to probation violations when I was 17–18 years old, I was resentenced in 2005 and reincarcerated for six years. I was finally released in 2012.

2. The first time I had to register as sex offender was in 2002. At that time, I was required to register for 25 years. I have already spent over twenty years on the registry and would have been off of the registry in less than five years. Around 2011, however, I was changed to a tier III registrant and was told I would have to register for the rest of my life.

3. The difference between being a 25-year registrant and a lifetime registrant is astronomical. As a lifetime registrant, I have no possibility of relief. When I was only doing 25-years, I could count down the years to when I would be removed and imagine a life after that. Now, I am stuck in this life forever. My kids are getting older and getting to the point where they will have to deal with the backlash of having a dad on the sex offender registry, something I am not prepared to deal with or navigate. If I had known at the time I took the plea deal that resulted in my conviction that the law would be changed and I would have to register as a sex

offender for the rest of my life along with all of the requirements behind it, I would have never taken the plea deal; I would have fought it.

4. At the time of my initial registration, I was a minor, and I was not on the public registry. I spent three years on the non-public registry before my registration was made public when I became an adult. Since being put on the public registry, and having my registry made public, it has brought harms I did not deal with before, including having people I've known for years suddenly change their opinion about me.

5. Even though my offense occurred when I was a teenager, I am still treated as an outcast because I am on the registry. The photo on the registry is recent and is the same one that is on my state ID. The registry picture makes it look like I committed my offense now—in my 30s.—The picture doesn't convey that I was still a child at the time (now 20+ years ago). The fact that the picture is recent gives the impression that the crime I committed was recent. If the images were different, it would probably help people understand the fact that I was 15-years old at the time.

6. I am engaged to a woman and we have a child on the way. I also have three children with my ex-wife. Although I have full custody of two of my children (and shared custody of the third), my children do not currently live with me as the registry situation has complicated this. The registry has made it hard for me to find a home for all of us to live together.

7. I have experienced evictions as a result of showing up on the sex offender registry. The first time this happened was in 2017 when I was staying in a place with my girlfriend; the place was in fact under her name. Someone notified the landlord that I was on the registry, and they evicted both me and my girlfriend. The second time this happened was in late 2018. It was the same situation – the place was under my girlfriend's name, someone found out about my registry status resulting in us being evicted. Having nowhere else to go, I ended up buying a camper. I was thankfully able to park it on property owned by my mother-in-law. I lived there for three-years with my girlfriend. I was eventually able to buy a house this past summer.

8. I have had trouble finding employment due to being on the registry. When I was 18 years old, shortly after leaving prison the first time, I tried to enlist in the army. Recruiters told me that I could not because I am a registered sex offender. While I was in prison, one of my teachers was a marine who talked to me about changes in military recruitment policy that gave my hope that I might be able to join. I was 24 years old when I eventually went to talk to a recruiter after being released; again, they told me because of my registry status, I could not enlist. Recently I applied to be a fireman but was told because of my status as a sex offender, I cannot even hold an EMT license.

9. Now I own my own business, which I opened two years ago. But running the business is a struggle in and of itself because the registry has disrupted my clientele.

Initially the business was doing well. But, my registry status was spread around social media with many in my community commenting and tagging my business. once it got around that I was on the sex offender registry, my clientele severely dropped and I lost thousands of dollars in lost business. I've even lost two employees due to the extreme drop in clientele and my now limited financial resources.

10. Because the reporting requirements are complicated and always changing, I have had trouble keeping up with them in the past. I have been reincarcerated twice due to SORA violations. The first time was four months after I initially left prison in 2012 for failure to register an email address; I was sentenced to 30-days. Shortly after that, I was rearrested for a similar charge—this time my school email. I served three years in prison before being released again. Keeping up with what is supposed to reported and when, especially for things based on the internet, feels impossible sometimes.

11. I live in constant fear that I will again lose years of my life to a SORA violation. The rules are very hard to understand, and seem to be constantly changing. I have tried asking for help while reporting to make sure I am reporting the right things, but the officers I ask at the station never seem to know. The confusion around what I am supposed to report had already resulted in me spending time in prison. I fear that this will continue to affect me.

12. I have been harassed and am currently still dealing with my registry page being plastered across social media. This incident started in 2021 around the time that my divorce from my ex-wife became final. My ex-wife weaponized my registry status against me during the divorce and custody settlements. Together with a friend of hers, they spread physical and digital flyers about my sex offender status including my personal and business information. They even tried to rile people up by posting everywhere that I was attempting to sponsor my daughters' cheerleader program, along with the fact that I had donated money to the school.

13. Their campaign against me resulted in the school no longer allowing me to make *public* donations—though they still let me give them money privately. My daughters were also kicked out of their cheer program and all three of my kids were kicked out of their karate program. All because of my registry status. When I attempted to get law enforcement involved in this situation, I got no help. My kids should be able to enjoy life without having to deal with the backlash of what I did when I was a teenager.

I, K.M., certify under penalty of perjury that the above statement is true and correct pursuant to 28 U.S.C. § 1746.

K.M.  
(name on file with Plaintiffs' counsel)

Dated: March 14, 2023